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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA
 ex rel. PEGGY THORNTON, Relator,
 and
 PEGGY THORNTON,
 Plaintiffs,

vs.

PORTOLA DEL SOL OPERATOR, LLC,
 14 a foreign limited-liability company;
 TMIF II PORTOLA, LLC, a foreign limited-
 15 liability company; APARTMENT
 MANAGEMENT CONSULTANTS, LLC,
 16 a foreign limited liability company, and
 RENE RICHARDSON, as AGENT of
 17 PORTOLA DEL SOL OPERATOR, LLC.,
 Defendants.

Case No.: 2:21-cv-01123-APG-BNW

**STIPULATION AND ORDER TO STAY
 DISCOVERY PENDING RULING ON
 MOTION TO DISMISS
 (FIRST REQUEST)**

Defendants TMIF II Portola, LLC (“TMIF”) and Apartment Management Consultants, LLC
 (“AMC”) and Plaintiff Peggy Thornton (“Thornton”) (collectively, “Parties”), by and through their
 attorneys, hereby agree, stipulate, and request that the Court stay all discovery in this action, pending
 the Court’s ruling on TMIF’s Motion to Dismiss. This is the Parties’ first request to stay discovery.

TMIF filed its Motion to Dismiss requesting Thornton’s Complaint be dismissed for failure
 to state a claim upon which relief can be granted. *See* ECF Nos. 38 and 56. The Parties’ deadline
 to file the proposed Discovery Plan is July 23, 2023. *See* ECF No. 57.

1 The Parties have conferred regarding potential discovery and agree that TMIF's Motion to
2 Dismiss can be decided without further discovery and good cause exists to stay discovery until this
3 Court issues a ruling on TMIF's pending Motion to Dismiss. Good cause exists to stay discovery
4 because: (1) a stay will prevent all Parties –including Thornton who is represented by Nevada Legal
5 Services– from incurring potentially unnecessary discovery expenses given TMIF may potentially
6 be dismissed from this case; and (2) a stay will allow prevent undue burden by allowing Thornton
7 to focus all her remaining efforts on locating and serving defendant Rene Richardson, and not
8 participating in potentially unnecessary discovery with TMIF. *See* ECF No. 62.

9 The remaining Parties in the case will again confer and submit a proposed Discovery Plan,
10 as necessary, within 14 days of the Court's ruling on TMIF's Motions to Dismiss.

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Accordingly, the Parties respectfully request the Court enter an order (1) extending the deadline for the remaining Parties to file a proposed Discovery Plan to 14 days after the Court rules on TMIF's Motion to Dismiss (ECF Nos. 38 and 56), and (2) staying discovery pending the ruling on TMIF's Motion to Dismiss. The stipulation is made in good faith and not for purposes of delay. DATED this 21st day of July, 2023.

NEVADA LEGAL SERVICES, INC.

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IT IS SO ORDERED.



United States Magistrate Judge

DATED: July 24, 2023

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